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10/799,495	03/12/2004	Keiichi Sando	9976-26US(OB0054US)	8267

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PANITCH SCHWARZE BELISARIO & NADEL LLP
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

RILEY, MARCUS T

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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11/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@panitchlaw.com

Office Action Summary	Application No. 10/799,495	Applicant(s) SANDO, KEIICHI	
	Examiner MARCUS T. RILEY	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 & 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/14/2004; 03/27/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to applicant's remarks received on August 13, 2009. **Claims 1, 4-10, 14-23** and newly added **claims 22 & 23** are pending. **Claims 2-3 & 11-13** have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to amended **claims 1, 7, 17, 18 & 21** and newly added **claim 22 & 23** filed on August 13, 2009 have been fully considered but they are not persuasive.

A: Applicant's Remarks

For Applicant's Remarks, see "*Applicant Arguments/Remarks Made in an Amendment*" filed August 13, 2009.

A: Examiner's Response

Applicant argues that Gassho '626 either alone or in combination with Matsueda '152, Matsueda '404 and Drummond '449 fails to disclose and would not have rendered obvious, the combination of features recited in the independent claims. The gist of Applicant's arguments is that the cited references does not disclose a storing unit which stores printer information representing whether a printer can be shared by a plurality of clients; a notifying unit that notifies

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the plurality of printers that the sharing of a printer has been canceled; or the claimed program forming unit which forms an installing program or a notifying unit that sends information indicative of the position of the installing program to the plurality of clients.

Examiner understands the Applicant's arguments but respectfully disagrees. Gassho '626 either alone or in combination with Matsueda '152, Matsueda '404 and Drummond '449 discloses, teaches or suggest the Applicant's claimed invention. Gassho '626 discloses at Column 10, lines 58-62 discloses a storing unit which stores printer information representing whether a printer can be shared by a plurality of clients. For example, the Job Status Monitor Unit 111 stores the monitoring results of the job status transmitted from the respective printers 50, 60, and 70 and monitors the congestion status of the print jobs stored in each buffer 55 of Clients 20, 30 & 40. Matsueda '152 discloses at Page 2, paragraphs 0018-0020 discloses a notifying unit that notifies the plurality of printers that the sharing of a printer has been canceled. For example, the Event Notifying Unit notifies the client apparatus of the printer management information including the box number of the memory box formed in the printer apparatus. The memory box includes printer information to be shared and print data from the user of each personal computer. The memory box also manages the operations of the printers which includes whether a printer is not used or cancelled. Furthermore, Matsueda '152 confirms when the memory box cannot be formed and the notifying means notifies the client apparatus of the fact that the job information cannot be printed.

Matsueda '404 discloses a program forming unit at Fig. 2, CPU 202. Page 2, paragraph 0036 explains where the claimed program forming unit which forms an installing program or a notifying unit that sends information indicative of the position of the installing program to the

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plurality of clients. The CPU 202 controls the system and client apparatus 101 for installation of programs used by the client. Page 3, paragraph 0052-0054 explains where the server apparatus 102 monitors the printers and if the selection of Printer A fails, the server apparatus 102 selects the optimum printer with reference to a printer management table (not shown) in the server. As a result, newly added printer B will be selected. Then the CPU 202 will install the necessary program.

Claims 4 and 14 depend respectively from rejected claims 1 and 21. As a result, Claims 4 and 14 are also not patentable based at least on their dependency on rejected claims 1 and 21.

Claims 5 and 15 depend respectively from rejected claims 1 and 21. As a result, Claims 5 and 15 are also not patentable based at least on their dependency on rejected claims 1 and 21.

Claims 6 and 16 depend respectively from rejected claims 1 and 21. As a result, Claims 6 and 16 are also not patentable based at least on their dependency on rejected claims 1 and 21.

Claims 7-10 and 17-20 depend respectively from rejected claims 1 and 21. As a result, Claims 7-10 and 17-20 are also not patentable based at least on their dependency on rejected claims 1 and 21.

New claims 22 and 23 depend from respectively claims 1 and 21. As a result, Claims 7-10 and 17-20 are also not patentable based at least on their dependency on rejected claims 1 and 21.

Accordingly, Applicant's application is not in condition for allowance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 5, 7-10, 15 & 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gassho et al. (US 7,180,626 B1 hereinafter, Gassho '626) in combination with Matsueda (US 2003/0133152 A1 hereinafter, Matsueda '152) as applied to claim 1, and further in view of Matsueda (US 2003/0179404 A1 hereinafter, Matsueda '404).

Regarding claim 1; Gassho '626 discloses a print system (Fig. 1, #'s 50, 60 & 70) which processes print request from a plurality of clients (Fig. 1, #'s 20, 30 & 40) for printing on a printer comprising: (i.e. Clients #'s 20, 30 & 40 outputs print jobs to printers 50, 60, & 70 that carry out printing operations in response to the print jobs. Column 9, lines 24-30);

a storing unit (Fig. 3, Job Status Monitoring Unit 111) which stores printer information about the printer, the printer information representing whether the printer can be shared by the plurality of clients (i.e. The Job Status Monitor Unit 111 stores the monitoring results of the job status transmitted from the respective printers 50, 60, and 70 and monitors the congestion status of the print jobs stored in each buffer 55 of Clients 20, 30 & 40. Column 10, lines 58-62).

a printer monitoring unit (Fig. 3, Printer Status Monitoring Unit 112) which receives the printer information from the printer at times unrelated to processing of a print request from the plurality

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of clients (i.e. Printer Status Monitoring Unit 112 stores the monitoring results of the printer status transmitted from the respective printers 50, 60, and 70 and monitors the working status of each printing mechanism 51. Column 10, lines 62-65)

compares the received printer information with printer information corresponding to the printer previously stored in the storing unit, and if on the basis of the comparison, the monitoring unit determines that the received printer information is different from the stored printer information, the monitoring unit further determines that the stored printer information is invalid and cancels sharing of the printer; (Fig 6 Steps 300–340, i.e. Step S300 observes and compares the quantity of print jobs stored in the spool buffer 55 by measuring the total number of unprocessed print jobs. Based on the observation result, it is determined at Step S310 the congestion status of the print jobs stored in the buffer 55. When it is determined at step S340 that no requirement signal has been received, the program goes to RETURN and exits from this process routine. Column 13, line 61 thru Column 14, line 48);

Gassho ‘626 does not expressly disclose a notifying unit which, in timely response to the monitoring unit canceling the shared printer notifies said plurality of clients that the sharing of the printer has been canceled, the notice including a name of the canceled printer.

Matsueda ‘152 discloses a notifying unit (Fig. 2, Event Notifying Unit 226) which, in timely response to the monitoring unit canceling the shared printer notifies said plurality of clients that the sharing of the printer has been canceled, the notice including a name of the canceled printer (i.e. The Event Notifying Unit notifies the client apparatus of the printer management information including the box number of the memory box formed in the printer apparatus. The memory box includes printer information to be shared and print data from the user of each personal computer. The memory box manages the operations of the printers which includes whether a printer is not used or cancelled. Page 2, paragraphs 0018-0020);

Gassho ‘626 and Matsueda ‘152 are combinable because they are from same field of endeavor of network printer systems (Matsueda ‘152 at “Field of Invention”).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network printer system as taught by Gassho '626 by adding a notifying unit as taught by Matsueda '152. The motivation for doing so would have been to provide a job processing environment in which the user of the client apparatus can identify which printer is usable without having to waste time searching for a printer to employ. Therefore, it would have been obvious to combine Gassho '626 with Matsueda '152 to obtain the invention as specified in claim 1.

Gassho '626 as modified does not expressly disclose a program forming unit which forms an installing program for use by the client if the printer monitoring unit detects an addition of a new printer which can be shared by the plurality of clients the notifying unit sends information indicative of the position of the installing program to the plurality of clients.

Matsueda '404 discloses a program forming unit (Fig. 2, CPU 202) which forms an installing program for use by the client (i.e. CPU 202 controls the system and client apparatus 101 for installation of programs used by the client. Page 2, paragraph 0036) if the printer monitoring unit (Fig. 5, Server Apparatus, i.e. Sever Apparatus monitors the operations of Printers A & B. Page 3, paragraph 0052-0054) detects an addition of a new printer which can be shared by the plurality of clients (i.e. If the selection of Printer A fails, the server apparatus 102 selects the optimum printer with reference to a printer management table (not shown) in the server. As a result, newly added printer B will be selected. Page 3, paragraph 0052-0054);

the notifying unit sends information indicative of the position of the installing program to the plurality of clients (i.e. In step S511, the server apparatus 102 notifies the client apparatus 101 of the password, box number, installing location of the printer B, and the like. Page 3, paragraph 0057).

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Gassho '626 and Matsueda '404 are combinable because they are from same field of endeavor of network printer systems (Matsueda '404 at "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network printer system as taught by Gassho '626 by adding a program forming unit as taught by Matsueda '404. The motivation for doing so would have been to enable the user to execute the installation of a program easier and efficiently. Therefore, it would have been obvious to combine Gassho '626 with Matsueda '404 to obtain the invention as specified in claim 1.

Regarding claim 5; Gassho '626 as modified, does not expressly disclose where if said change indicates a change in the name of the printer, said notifying unit notifies said client that the shared printer name has been changed.

Matsueda '152 discloses where if said change indicates a change in shared name of one of the shared printers, said notifying unit notifies said client that the shared printer name has been changed (i.e. In step ST58, the server apparatus 1-2 transfers the printer name, the location of the printer, the memory box number, and if necessary, the password, and the like to the client apparatus 1-1. Page 4, paragraph 0072);

Gassho '626 and Matsueda '152 are combinable because they are from same field of endeavor of network printer systems (Matsueda '152 at "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network printer system as taught by Gassho '626 by adding a name change as taught by Matsueda '152. The motivation for doing so would have been to identify which printer is usable without having to waste time searching for a printer to employ. Therefore, it

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would have been obvious to combine Gassho '626 and Matsueda '152 to obtain the invention as specified in claim 1.

Regarding claim 7; Gassho '626 as modified does not expressly disclose a program forming unit which forms the installing program installs it into a predetermined position, when addition of the new printer is detected by said printer monitoring unit.

Matsueda '404 discloses a program forming unit which forms an installing program and installs it into a predetermined position, when addition of the new printer is detected by said printer monitoring unit (i.e. If the selection of Printer A fails, the server apparatus 102 selects the optimum printer with reference to a printer management table (not shown) in the server. As a result, newly added printer B will be selected. Then the CPU 202 will install the necessary program. Page 3, paragraph 0052-0054 and Page 2, paragraph 0036).

Gassho '626 and Matsueda '404 are combinable because they are from same field of endeavor of network printer systems (Matsueda '152 at "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network printer system as taught by Gassho '626 by adding a program forming unit as taught by Matsueda '404. The motivation for doing so would have been to enable the user to execute the installation of a program easier and efficiently. Therefore, it would have been obvious to combine Gassho '626 with Matsueda '404 to obtain the invention as specified in claim 1.

Regarding claim 8; Matsueda '404 discloses where said notifying unit notifies said client with information of the printer together with the predetermined position of the installing program (Fig. 5, i.e. In step S411, the server apparatus 102 notifies the client apparatus 101 of the password, box number, installing location of the printer, and the like. Page 3, paragraphs 0049).

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Regarding claim 9; Matsueda '404 discloses where said installing position is a Web page (Fig. 2, Web Interface 104, i.e. Reference numeral 103 denotes the printer and 105 indicates a remote printer connected by a Web interface. In step S411, the server apparatus 102 notifies the client apparatus 101 installing location of the printer, and the like. Page 2, paragraph 0039 and page 3, paragraphs 0049).

Regarding claim 10; Matsueda '404 discloses where said program forming unit forms an installing program for direct printing and installs it into a predetermined position, and said notifying unit notifies said client of information of the installing position (i.e. CPU 202 controls the system and client apparatus 101 for installation of programs used by the client. In step S511, the server apparatus 102 notifies the client apparatus 101 of the password, box number, installing location of the printer B, and the like. Page 3, paragraph 0057 and Page 2, paragraph 0036).

Regarding claim 15; Claim 15 contains substantially the same subject matter as claim 5. Therefore, claim 15 is rejected on the same grounds as claim 5.

Regarding claim 17; Claim 17 contains substantially the same subject matter as claim 7. Therefore, claim 17 is rejected on the same grounds as claim 7.

Regarding claim 18; Claim 18 contains substantially the same subject matter as claim 8. Therefore, claim 18 is rejected on the same grounds as claim 8.

Regarding claim 19; Claim 19 contains substantially the same subject matter as claim 9. Therefore, claim 19 is rejected on the same grounds as claim 9.

Regarding claim 20; Claim 20 contains substantially the same subject matter as claim 10. Therefore, claim 20 is rejected on the same grounds as claim 10.

Regarding claim 21; Claim 21 contains substantially the same subject matter as claim 1. Therefore, claim 21 is rejected on the same grounds as claim 1.

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Regarding claim 22; Matsueda '404 discloses wherein if the installing program does not exist, the notifying unit notifies a network administrator that the new printer has to be installed (i.e. CPU 202 controls the system and client apparatus 101 for installation of programs used by the client. In step S511, the server apparatus 102 notifies the client apparatus 101 of the password, box number, installing location of the printer B, and the like. Page 3, paragraph 0057 and Page 2, paragraph 0036);.

Regarding claim 23; Claim 23 contains substantially the same subject matter as claim 22. Therefore, claim 23 is rejected on the same grounds as claim 22.

5. **Claim 4, 6 14 & 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gassho '626 and Matsueda '152 and Matsueda '404 as applied to claim 1 above, and further in view of Drummond '449 et al. (US 7,162,449 hereinafter, Drummond '449).

Regarding claim 4; Gassho '626 as modified does not expressly disclose where said notifying unit notifies said client of a name of the canceled printer and a name of a print server by E-mail.

Drummond '449 discloses where said notifying unit notifies said client of a name of the deleted printer and a name of a print server by E-mail (i.e. Fault and status messages may be monitored from terminals at locations anywhere that are connected in the network. The mini-HTTP server handling status and fault messages may also be configured to send an e-mail or similar message to a selected address whenever a particular condition or group of conditions exist. Column 29, lines 47-53).

Gassho '626 and Drummond '449 are combinable because they are from same field of endeavor of network systems (Drummond '449 at "Technical Field").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Gassho '626 by adding notifying by E-mail as

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taught by Drummond '449. The motivation for doing so would have been to make it is easier for messages to be communicated between distant locations. Therefore, it would have been obvious to combine Gassho '626 and Drummond '449 to obtain the invention as specified in claim 1.

Regarding claim 6; Gassho '626 and Matsueda '152 as modified does not expressly disclose where said notifying unit notifies said client of information of a canceled printer and an added printer by E-mail.

Drummond '449 discloses where said notifying unit notifies said client of information of a deleted printer and an added printer by E-mail (i.e. Fault and status messages may be monitored from terminals at locations anywhere that are connected in the network. The mini-HTTP server handling status and fault messages may also be configured to send an e-mail or similar message to a selected address whenever a particular condition or group of conditions exist. Column 29, lines 47-53).

Gassho '626 and Matsueda '152 are combinable with Drummond '449 because they are from same field of endeavor of network systems (Drummond '449 at "Technical Field").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the network system as taught by Gassho '626 by adding where said notifying by E-mail as taught by Drummond '449. The motivation for doing so would have been to make it is easier for messages to be communicated between distant locations. Therefore, it would have been obvious to combine Gassho '626 and Matsueda '152 with Drummond '449 to obtain the invention as specified in claim 1.

Regarding claim 14; Claim 14 contains substantially the same subject matter as claim 4. Therefore, claim 14 is rejected on the same grounds as claim 4.

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Regarding claim 16; Claim 16 contains substantially the same subject matter as claim 6. Therefore, claim 16 is rejected on the same grounds as claim 6.

Examiner Notes

6. The Examiner cites particular columns, pages, paragraphs and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley
Assistant Examiner
Art Unit 2625

/MARCUS T. RILEY/
Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625